

I was contacted by (b) (7)(C) on 2/1/2012 regarding an e-mail (attached) that (b) received from (b) (7)(C) earlier in the day. This was the second e-mail (b) had received from (b) regarding stack emissions in spite of an earlier explanation of permit regulations.

I was close to the plant on a personal matter so I responded to the site at ~8:30 PM to evaluate the nature of the issues (b) was raising by e-mail. When I entered the control room two of (b) shift team members (b) (7)(C) and (b) (7)(C) were present. (b) was in the field assisting the railcar loader (b) (7)(C). I asked (b) and (b) what was happening with the leak and they both stated it appeared to be in control and could be contained fully when KBR personnel returned to the site on Thursday morning. I asked them to call (b) on the radio and have (b) come to the control room.

When (b) came to the control room I asked (b) to step out to the doorway west of the maintenance shop to look at the gas leak and the stack emission. I explained to (b) that the site ATO (b) (7)(C) and (b) (7)(C) had investigated a similar situation in the last week and it was determined that the vapor being emitted from the stack was due to atmospheric conditions and was not a regulatory issue.

I then asked (b) about the gas leak and (b) said (b) felt like it was significant. I told (b) the repair plan and barring any worsening of the leak it would be repaired on Thursday morning.

I asked (b) about the e-mails (b) was sending. I told (b) that it appeared (b) is documenting e-mails as a 'legal tactic' to be employed in the event (b) is contacted by management for developmental reasons in the future. (b) responded that (b) has been advised to create documents to protect (b) (7). I told (b) my expectation on future reports of safety or environmental concerns - If (b) encounters a safety or environmental issue which (b) cannot deal with (b) (7) or with (b) team that (b) is to telephone (b) supervisor or another member of management. (b) manager will then advise if a first report incident is to be issued. (b) seemed confused by what a first report is so we went back into the control room and opened the first report binder. By coincidence I opened the book to a report (b) had written. (b) said (b) did not remember this reporting method.

We then walked back to the doorway west of the maintenance shop.

I asked (b) if (b) could honor my request and (b) said that (b) could. I told (b) if I see another e-mail regarding safety or environmental concerns it will constitute insubordination. (b) said (b) understood.

(b) then asked me if (b) is to never send an e-mail to me. I told (b) no and that I encourage e-mail as one of the modes available to us for better communication.

(b) mentioned that (b) feels 'targeted' since the recent discharge of another (b) coworkers. (b) also mentioned concern for two other coworkers (b) (7)(C) and (b) (b) (7). I assured him that nobody is being targeted by anybody. I told (b) that I

understand the issues (b) and the people (b) mentioned have been through in the last few years, but that they have no bearing on today and the future.

(b) mentioned that things have 'tightened up' around the plant in the last year and (b) feels confused about what (b) is allowed to do. I told (b) (b) is expected to operate the plant to the best of (b) ability and that if (b) had questions or concerns (b) should engage resources required for resolution. I told (b) that I believe (b) could be a meaningful contributor to the team and that I had witnessed examples of (b) being able to perform (ie initiative demonstrated assisting with a steam valve during the shutdown). I told (b) that I am concerned, however, that (b) is so distracted by past events that (b) is limiting himself. I also told (b) that distractions can lead to states of mind which result in injuries. (b) seemed to agree with my thinking. (b) said is scheduled to see (b) counselor because (b) has not been sleeping lately.

#### Attachment

----- Original Message -----

From: (b) (7)(C)  
Sent: 02/01/2012 07:26 PM CST  
To: (b) (7)(C) (b) (7)(C)  
Subject: Gas Leak over CIP

Elizabeth,

When we came on work (b) (7)(C), ETC. were all working on mitigation of pretty nice size SO3 gas leak on top the CIP exchanger. Seems they could not get enough vacuum out of the vacuum hoses to suck it all up.. While moving cars in the back (b) (7) noticed the pronounced size of the release set against the dark night sky. We tried to increase the amount of vacuum from the system to the hoses and actually got it up an additional 10 inches to 20 inches. This is still not enough to get rid of the leaking gas. I am writing you to address our current situation with you. Let me know what you want us to do. Also, the stack Opacity at night in my estimation is still above our visible emissions limit of 10% Opacity. While I understand stack opacity is best measured during the solar day between 10am-2:00pm I do not think this absolves us from regulations.

Respectfully,

(b) (b) (7)(C)

Tom Miller



\*Confidential: CONVERSATION WITH (b)

(b) (7)(C) -to: (b) (7)(C)

Cc: (b) (7)(C)

04/04/2012 03:00 PM

Hey -- just wanted to document this...

Just got off the phone with (b) thanked (b) for his interest in the office professional position and told (b) (b) didn't pass the test. (b) was disappointed, said the test was difficult -- understanding macros, using pivot tables, etc., and made the comment re that level of knowledge wouldn't be expected for the job in question. I informed (b) that yes, indeed, Excel is used extensively on the job and pivot tables, especially, were used widely in supply chain work. Then (b) wanted to know why we never tested before, didn't test for (b) position but tested for this one (said (b) would've passed the test for (b) job because (b) studied hard for it). I explained that we are doing things the correct way -- the DuPont way -- posting the position qualifications and using validated testing to determine qualified candidates. (b) wanted to know what we were going to do next. Being up front, I said that you and I were going to discuss it tomorrow and are considering having (b) (7) backfill for the time being. (b) said "you mean to tell me that someone with a GED is going to fill a position that I, with a college degree, was denied?" Told (b) we're not going to get into that -- (b) came to us with the right qualifications when we hired (b) through KBR. (b) said that for 23 years this is how things have gone down for (b) with any DuPont opportunity -- but (b) did thank me for the opportunity. I thanked (b) again for his interest, said keep your chin up and keep trying.

Stay tuned.

Regards,

(b) (7)(C)

[Redacted signature block]

You're either part of the solution, or you're part of the problem -- (b) (7)(C)

DJS0000068

(b)



## Communication

(b) (7)(C)

04/12/2012 02:24 PM

(b) (7)(C)

There were some comments made in forward energy regarding the status of fulfilling the gap created by (b) (7)(C) retirement. It appears there is a significant amount misinformation circulating.

Here's the current status -

- The position was posted to DuPont employees
- Three DuPont employees self-nominated
- The process to fill the role was (1) complete a clerical skills assessment, (2) pass a computer skills test and (3) successfully interview with a hiring team
- One employee did not advance to the computer testing portion due to personnel policies
- Unfortunately, the other two employees were not able to progress through all three stages - Due to this reality, we have had to continue a temporary arrangement established upon Gwen's departure where the shipping task is being handled by a DuPont and contract employee
- The shipping clerk position has not been permanently filled
- Options are being reviewed so a path forward can be chosen that is in the best interest of the business, the team and all individuals

I hope this explanation will help minimize the distractions that have arisen so we can move forward and maintain a safe and healthy workplace.

As more information is available it will be communicated.

In the meantime, if you have a question please ask . It's the only way issues can be resolved before assumptions lead to improper reactions .

DJS0000069

(b) (7)(C)

Re: Communication 

(b) (7)(C) to: (b) (7)(C)

04/17/2012 05:37 PM

History: This message has been forwarded.

(b)

You should know that I am currently being advised by my two attorney's, (b) (7)(C) and (b) (7)(C) not to speak, anymore, to anyone, regarding this matter. I have given DuPont chance after chance, for three years now, to stop retaliating against me and DuPont has chosen not to. If you need to speak to me I can only advise you or (b) (7)(C) to contact (b) (7)(C). I am certain (b) will be able to work you into (b) schedule. I will be glad to speak to you anytime you want about any other DuPont matter, however.

Respectfully,

(b) (7)(C)

DJS0000073

4/20/2012

I was contacted by (b) (7)(C) who told me that (b) (7)(C) had asked (b) about what we are going to do with (b). When (b) asked for more details (b) told (b) that (b) is very distracted about not being selected for the job and that (b) is afraid (b) will hurt (b) (7).

I met with (b) after (b) (7) report to me. (b) told me (b) could not talk about the job. I told (b) I did not want to talk about the job at (b) request. I told (b) that I had to know that (b) is OK to be working given the issue (b) has regarding the shipping clerk position. I told (b) that it has been proven that distractions can lead to accidents and that it was my obligation to check into the state of any person on the plant if I believed distractions could be present. (b) said (b) is dealing with the issue as best (b) can, but (b) did not feel (b) could not perform (b) duties safely. (b) said (b) has been dealing with it for three years and this was no different.

(b) asked me if people are talking. I told (b) I had been thinking about it since I received (b) e-mail earlier in the week regarding action (b) has taken since (b) was not selected for the shipping clerk position.

(b) mentioned that (b) is seeing a counselor. I told (b) that I am glad to hear it since I was going to offer (b) that option if (b) needed it. (b) said the counselor has provided a medical excuse for (b) to miss work in the past.

I closed the meeting by telling (b) that if (b) feels (b) cannot maintain the concentration needed to safely do (b) work to let me know so potential safety issues could be avoided.

(b) (7)(C)



**Response**

(b) (7)(C) to: (b) (7)(C)  
Bcc: (b) (7)(C)

04/25/2012 09:54 AM

History: This message has been forwarded.

(b)

I have attempted to meet with you to discuss the details of your concerns regarding the shipping clerk selection process on a couple occasions over the last two weeks. You have confirmed for me that you are not interested in having a conversation with me about those concerns. I can only assume that there are no additional details you wish to provide. Based on the information available, I have concluded that our testing processes were conducted fairly and in accordance with our policies and procedures. The bottom line is that you did not pass the qualification test and therefore are not eligible to be considered for the job. As you have nothing else to offer, I now consider the matter closed.

I would also like to remind you that while you are free to raise concerns and issues you **MUST** do so in a respectful and appropriate manner. Disruptive and disrespectful conduct will not be tolerated.

Best Regards,

(b) (7)(C)

[Redacted signature block]

Chemicals & Fluoroproducts

*Step: Together*

DJS0000075

(b) (7)(C)

Re: Response to your response

(b) (7)(C) to: (b) (7)(C)

04/25/2012 05:41 PM

Cc: (b) (7)(C)

History: This message has been forwarded.

(b) (7)(C)

Thankyou for your statement and if you deem it is closed internally within the confines of DuPont I will be forced to concur though I still would argue that I should not be expected to share the details of what I deem to be irregular practice of (b) (7)(C) plant policy with individuals who may very well be the ones not following the correct practice to begin with. I.E. you were video taped in (b) (7)(C) office when I arrived for the test and back in (b) (7)(C) office only seconds after I completed the test (b) (7)(C) tried to sabotage me during the test by telling me it was a timed test and I have shared other evidence with Corp. HR that will come to light when needed. Since, this is the first time in the history of the plant that a test was given to any employee for any job since you have been here and before and the test was on software that doesn't exist on our plant I can only assume this was a very personal and retaliatory act. Their are people on this site that have shared with me conversations regarding the planned outcome of the entire hiring process. (b) (7)(C) should now that there is ample written evidence to support my claims all (b) (7)(C) has to do is research. As I stated before my attorney says that I have with stood enough non-sense that if you (b) (7)(C) would like to speak to me anymore you can speak to me with (b) (7)(C) present.

If at any time I have shown anyone on this plant disrespect I would expect that you would have shared that with me. I however, have been disrespected over and over again during the course of the past three years. Firstly, for coming forward on behalf of my two co-workers for alleged discrimination, I was sent home and threatened to be fired. I was systematically harassed for almost a year until I had to take two months off from the stress and you yourself came all the way to the plant to harass me when I reported an SO3 leak to my supervisor, as per Tosca regulations in conjunction with our Title V permit. As you recall and as evidenced by those who were there that night and in the log book you warned me that I could get myself into a lot of trouble if I continued to write up gas leaks and you refused to go out and look at the leak with me three times. You said I was playing games and that if I wanted to play games you would see who would last the longest. I took that as a direct threat and all I continued to do is convey to you that it was part of my job. The next time there was another leak going offsite you and other supervisors tried to turn the investigation of the leak into a write up for getting the truck stuck in the mud. I as well as all others have gotten the truck stuck in the mud numerous times including wrecks and even a supervisor who drove through the fence itself by forgetting to put it in park and never at any time were they considered to be incidences.

If someone feels I have disrespected anyone on this site I would like to know about it. I have been called names, I have been written about in formal meetings and I have been verbally and physically threatened in front of upper management and can prove this and no one has ever come to me and said (b) (7)(C) we are sorry you have been disrespected.

Again Respectfully,

(b) (7)(C)

DJS0000076



5/1/2012

I entered the control room mid-morning and witnessed the very end of a heated discussion between (b) and (b). They both immediately quick talking when they saw me enter.

Later in the day (b) told me (b) was sorry I witnessed the discussion between (b) and (b). I told (b) I had not heard what was being said. (b) told me (b) is calling (b) a liar about the leak on 4/22. While talking with (b), (b) walked up and said (b) hopes I know that (b) and (b) (7) are not involved in this. I thanked them both for doing the right thing and asked them to continue doing so. I also told them that if they feel threatened or harassed by (b) to inform (b) (7)(C) and/or me.

DJS0000077

May 1, 2012

Note to File

**Purpose of review:**

To inform (b) that (b) is receiving a "Note to File" for a continued negative performance involving the issues as described below. This behavior is not conducive to the sites Rules of Conduct. Per the site Rules of Conduct all employees must maintain a safe, respectful, orderly and productive workplace. A copy of the Rules of Conduct is attached.

**Facts of recent performance issues:**

Disruptive behavior:

- April 12<sup>th</sup>, 2012- Disruptive behavior in Forward Energy meeting.
- Multiple emails involving threatening language.
- (b) refused to agree on a time to meet/discuss with plant manager in regards to policy/procedure issues at the site.
- Line Management and (b) agreed to meet on 4/17/2012 at the scheduled time of 5:45 am as a follow-up from items discussed in forward energy meeting. (b) failed show up for meeting without notification.

Failure to consistently follow the site reporting procedure:

- Giving incomplete information: 4/22/12 – (b) was assigned as the day board operator. It was written in the operator log book that there was a small gas leak on the convertor. (b) failed to call to supervision or to initiate the first report. Expectations on proper follow-up had just been reiterated to the site on April 11, 2012 and (b) received a verbal dated Feb. 1, 2012.

**Facts of other Performance issues**

Jan. 5, 2012- Verbal- Expectation on creating and maintaining a respectful work place

- To maintain a respectful workplace, it is important that investigations are conducted on a strictly need to know basis. Gossip and including people not directly affected can cause unnecessary speculation, undermine confidentiality and create a potential for disrespect. It is expected that when involved in or when learning of incident investigations you will discuss the issues only with persons who have a need to know and only in a respectful manner. Creating gossip and spreading innuendo is a disruptive and disrespectful action that is subject to disciplinary action.
- KBR is a separate company and DuPont will not attempt to manage personnel relations within another company
- (b) is expected to report new incidents involving workplace respect immediately after (b) knows about them occurring.

Feb. 1, 2012 - Verbal- Expectations on future reports of safety or environmental concerns.

DJS0000101

- If (b) encounters a safety or environmental issue which (b) cannot deal with himself or with his team that (b) is to telephone his supervisor or another member of management. (b) manger will then advise if a first report incident is to be issued.
- It was explained to (b) that line management is concerned that (b) is distracted by past events. (b) was reminded that it is important that (b) remains focused on his work at hand; distractions can lead to states of mind which result in injuries.

Feb. 16, 2012 - Verbal- Customer Syngenta received an out of spec shipment, due to wrong product grade being loaded into tank truck resulting in a quality CSQI.

March 18, 2012- Verbal- Expectations on following Reporting procedure

- There was a gas leak and it was not communicated using the first report process and although supervision was contacted subsequent information was communicated through other means.
- The company vehicle being stuck was not reported to supervision when the gas leak was reported and was communicated initially through the operator used red book to mitigate.

**Expectations to be met, beginning immediately, include:**

- Review and adhere to all Rules of Conduct.
- Demonstration of strict adherence to all operating procedures and instructions
- Respectful responsiveness to reasonable requests made by Supervision and demonstration of proactive behaviors with respect to personal productivity.
- Be forthcoming with information that is conducive to a productive work environment.
- (b) needs to focus on (b) own actions and discontinue interfering with issues that don't directly concern (b)
- (b) must focus on his job and not allow outside distractions to pull (b) away from (b) performance.
- (b) is expected to report new incidents involving workplace respect immediately to supervision.
- (b) is expected to create and maintain a respectful work environment.
  - Treat others as they would like to be treated.
  - Cease and desist the use of threatening language in the workplace including but not limited to meetings and in emails.
  - Focus on team and not on old issues and how they impact you.
  - Stop/discontinue perpetuating rumors and speculating.
  - Be forthcoming with new information
- (b) must adhere consistently to reporting procedures.

(b) is also urged to use the Site Employee Assistance Program should (b) believe it will be helpful in any way. This Note to File is an attempt to reverse (b) negative performance trend. The overall intent is ensure (b) remains a member of the team, as a valued and

contributing employee. However, if (b) performance does not improve further disciplinary action up to and including separation may be necessary.

Employees

comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signatures

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plant Manger

\_\_\_\_\_  
Date

August 3, 1981

Re: OSHA Standard 1910.2- Employee Access to Exposure and Medical Records

Today I informed new employee (b) of (b) rights under the subject OSHA Standard for access to exposure and medical records, and to the right of access by the Government to same, without (b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (7)(C) Supervisor, (b) (7)(C)

Re: Responsibilities under Toxic Substances Control Act (TSCA), Sect 8 (e)

Today 8-3-81 I informed new employee (b) (7)(C) of (b) responsibility of reporting to EPA of any substance we make, sell, or use, which (b) feels presents a substantial risk of injury to human health or environment; as well as procedure of reporting same through DuPont which relieves him of responsibility of reporting to EPA directly.

(b) (7)(C)